



## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 71**

**[Docket No. FAA-2021-0292; Airspace Docket No. 21-AGL-22]**

**RIN 2120-AA66**

### **Establishment and Modification of Class E Airspace; Williston Basin, ND**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final Rule.

**SUMMARY:** This action establishes a Class E airspace area, designated as an extension to a Class D or Class E surface area, at Williston Basin International Airport, Williston, ND. This action also modifies the Class E airspace extending upward from 700 feet above the surface. The airspace modifications support the establishment of new instrument procedures for runways 04 and 22. This action also updates the geographic coordinates in the Class E2 and Class E5 text headers. The airspace supports instrument flight rules (IFR) operations at the airport.

**DATES:** Effective 0901 UTC, October 7, 2021. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

**ADDRESSES:** FAA Order 7400.11E, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at

[https://www.faa.gov//air\\_traffic/publications/](https://www.faa.gov//air_traffic/publications/). For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267-8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11E at NARA, email

fedreg.legal@nara.gov or go to <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

**FOR FURTHER INFORMATION CONTACT:** Matthew Van Der Wal, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S. 216<sup>th</sup> Street, Des Moines, WA 98198; telephone (206) 231-3695.

**SUPPLEMENTARY INFORMATION:**

**Authority for this Rulemaking**

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes Class E and modifies Class E airspace at Williston Basin International Airport, Williston, ND, to ensure the safety and management of IFR operations at the airport.

**History**

The FAA published a notice of proposed rulemaking in the *Federal Register* (86 FR 21672; April 23, 2021) for Docket No. FAA-2021-0292 to modify the Class E airspace at Williston Basin International Airport, Williston, ND. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

After the publication of the NPRM, the FAA determined that Class E4 airspace should be established versus modifying the Class E2 airspace. This action corrects the NPRM by establishing Class E4 airspace. This airspace area is designed to contain IFR

aircraft descending below 1,000 feet above the surface on the VOR RWY 22 approach. The new Class E4 area is identical to the Class E2 modification that was proposed in the NPRM. The airspace is described as “That airspace extending upward from the surface within 2.4 miles each side of the 045° bearing from the airport, extending from the Class E2’s 4.2-mile radius to 6.8 miles northeast of the airport.”

Class E2, E4, and E5 airspace designations are published in paragraphs 6002, 6004, and 6005 of FAA Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

### **Availability and Summary of Documents for Incorporation by Reference**

This document amends FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020. FAA Order 7400.11E is publicly available as listed in the ADDRESSES section of this document. FAA Order 7400.11E lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

### **The Rule**

This amendment to 14 CFR part 71 establishes a Class E airspace area, designated as an extension to a Class D or Class E surface area, at Williston Basin International Airport, Williston, ND. This airspace area is established northeast of the airport and is designed to contain arriving IFR aircraft descending below 1,000 feet above the surface on the VOR RWY 22 approach.

Additionally, this action modifies the Class E airspace extending upward from 700 feet above the surface. This airspace is designed to contain arriving IFR aircraft descending below 1,500 feet above the surface and departing IFR aircraft until reaching 1,200 feet above the surface. An area northeast and another southwest of the airport are added to contain IFR aircraft arriving and departing the airport.

Lastly, the action updates the geographic coordinates in the Class E2 and Class E5 text headers. The coordinates are updated to “lat. 48°15'35"N., long. 103°45'02"W.,” to match the FAA database.

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

### **Regulatory Notices and Analyses**

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial, and unlikely to result in adverse or negative comments. It, therefore: (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### **Environmental Review**

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, “Environmental Impacts: Policies and Procedures,” paragraph 5-6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant the preparation of an environmental assessment.

### **List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

### **Adoption of the Amendment**

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

**PART 71 - DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS;  
AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS**

1. The authority citation for 14 CFR part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

**§ 71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020, is amended as follows:

Paragraph 6002. Class E Airspace Designated as a Surface Area

\* \* \* \* \*

**AGL ND E2 Williston, ND [Amended]**

Williston Basin International Airport, ND  
(lat. 48°15'35"N., long. 103°45'02"W.)

That airspace extending upward from the surface within a 4.2-mile radius of the airport, and within 1.3 miles each side of the 135° bearing from the airport extending from the 4.2-mile radius to 4.7 miles southeast of the airport, and within 1.3 miles each side of the 339° bearing from the airport extending from the 4.2-mile radius to 4.7 miles north of the airport.

Paragraph 6004. Class E Airspace Areas Designated as an Extension to a Class D or

Class E Surface Area

\* \* \* \* \*

**AGL ND E4 Williston, ND [New]**

Williston Basin International Airport, ND  
(lat. 48°15'35"N., long. 103°45'02"W.)

That airspace extending upward from the surface within 2.4 miles each side of the 045° bearing from the airport extending from the Class E2's 4.2-mile radius to 6.8 miles northeast of the airport.

Paragraph 6005. Class E Airspace Areas Extending Upward from 700 feet or more above the Surface of the Earth.

\* \* \* \* \*

**AGL ND E5 Williston, ND [Amended]**  
Williston Basin International Airport, ND  
(lat. 48°15'35"N., long. 103°45'02"W.)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of the airport, and within 4.4 miles each side of the 044° bearing from the airport extending from the 6.7-mile radius to 9.8 miles northeast of the airport, and within 2 miles each side of the 053° bearing from the airport extending from the 6.7-mile radius to 12.4 miles northeast of the airport and within 3.3 miles each side of the 133° bearing from the airport extending from the 6.7-mile radius to 11.3 miles southeast of the airport, and within 2.1 miles each side of the 232° bearing from the airport extending from the 6.7-mile radius to 11.8 miles southwest of the airport, and within 3.8 miles each side of the 340° bearing from the airport extending from the 6.7-mile radius to 11 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within a 41-mile radius of the airport.

Issued in Des Moines, Washington, on July 9, 2021.

B. G. Chew  
Acting Group Manager  
Operations Support Group  
Western Service Center

[FR Doc. 2021-15017 Filed: 7/14/2021 8:45 am; Publication Date: 7/15/2021]